

Arizona State Liquor Board Hearing Minutes
August 7, 2008

Members Present: Cyndy Valdez-Chair, Alan Everett-Vice Chair, Jim Carruthers, Bill DuPont, Charles Huellmantel

Members Absent: Don Jongewaard

Staff Present: Christopher Munns A.A.G., Kelly Stetson

A. Call to Order

The hearing of the Arizona State Liquor Board was called to order on August 7, 2008 at 9:10 a.m. with Ms. Valdez presiding.

B. Roll Call

With the exception of Mr. Jongewaard, all board members are present.

C. Minutes: review, consideration and action

Review and approval of the June 5, 2008 and July 10, 2008 hearing minutes was tabled until the September 4, 2008 board hearing.

D. Consent Agenda: review, consideration and action

1. The below listed applicants have filed a request to withdraw their applications. The Department and the Local Governing Bodies have no objection. The motion to accept the withdrawal of applications was made by Ms. Valdez, seconded by Mr. Everett, and approved unanimously for the following applicants
 - a. Omar Valle *dba* Maviri Seafood & Grill Restaurant, Original Application for Restaurant Liquor License No. 12077507
 - b. Don Serpe *dba* Camelback Wireless Stores, Original Application for Beer & Wine Store Liquor License No. 10075597
 - c. Cecilia Na *dba* JJ Water & Ice Agua Pura, Original Application for Beer and Wine Store Liquor License No. 10075473
2. The below listed applications have had a request for a continuance filed. The Department and City of Phoenix have no objection. The motion to grant these continuances was made by Ms. Valdez, seconded by Mr. Huellmantel, and approved until the month indicated, unanimously, for the following applicants:
 - a. Amy Nations *dba* Native New Yorker, Original Application for Restaurant Liquor License No. 12077480, continued until December 2008 Board Hearing (applicant's request).
 - b. Dennis Fernandez *dba* Tuck Shop, Original Application for Restaurant Liquor License No. 12077523, continued until November 2008 Board Hearing (applicant's request).
 - c. Jorge Roldan *dba* Tacos y Mariscos La Salsita, Original Application for Restaurant Liquor License No. 12077510, continued until November 2008 Board Hearing (Department's request).
3. The Local Governing Bodies have withdrawn their opposition to the below listed applications. The Department has no objection and there is no other form of protest on file. The motion to approve these applications was made by Ms. Valdez, seconded by Mr. Huellmantel, and approved unanimously for the following applicants:

- a. Misty Morrison *dba* Bobby Joe's Irish Pub Bar, Person Transfer of Liquor License No. 06020039.
- b. Dean Thomas *dba* Cornish Pasty Co., Original Application for Restaurant Liquor License No. 12077491.

E. Morning Agenda: review, consideration and action

1. Bar Liquor License No. 06070202 – Appeal of Director's Decision & Order – Compliant No. 07A-0062-LIQ(PHX)

Alfonso A. Larriva, Agent
 Metro Sports Bar and Restaurant, Inc.
 Metro Sports Bar and Billiards
 10402 N. Black Canyon Highway
 Phoenix, AZ 85051

Mr. Doug Erickson, Esq., appeared with the agent, Mr. Alfonso A. Larriva.
 Ms. Camila Alarcon, Esq., appeared on behalf of the Department.

Motion to Uphold Director's Decision and Order -	Valdez
Seconded -	Valdez
Yay -	Valdez, Everett, Carruthers, DuPont, Huellmantel
Nay -	None
Abstained -	None
Disposition -	License Revoked

2. Bar Liquor License No. 06070531 – Appeal of Director's Decision & Order – Compliant No. 08A-0001-LIQ(PHX)

Randy D. Nations, Agent
 Gin-Cor LLC
 Myst/Ballroom
 7340 E. Shoeman Lane
 Scottsdale, AZ 85251

Mr. Pete Schelstraete, Esq., appeared on behalf of the agent.
 Ms. Camila Alarcon, Esq., appeared on behalf of the Department.

Motion to Uphold ALJ's Order for Dismissal -	Valdez
Seconded -	Carruthers
Yay -	Valdez, Everett, Carruthers, DuPont, Huellmantel
Nay -	None
Abstained -	None
Disposition -	Complaint Dismissed

3. Restaurant Liquor License No. 12077475 - Original Application

Destiny Myres
 No Chaser LLC
 Nate's Place Pub and Grill
 5235 S. Kyrene Road #104
 Tempe, AZ 85283

Agent Destiny Myres appeared with Mr. Jim Myres
 Ms. Camila Alarcon, Esq., appeared on behalf of the Department.

Motion to Grant a Continuance- DuPont
Seconded - Huellmantel
Yay - Valdez, Everett, Carruthers, DuPont, Huellmantel
Nay - None
Abstained - None
Disposition - Continuance Granted to November 6, 2008 Board Hearing

4. Bar Liquor License No. 06070325 - Person Transfer

FROM:	TO:
H. J. Lewkowitz, Agent	Doug G. Allen, Agent
Polly Esther's of Scottsdale LLC	Club RPM LLC
RPM Ultra Club & Lounge	RPM Ultra Club & Lounge
2040 N. Scottsdale Road	2040 N. Scottsdale Road
Scottsdale, AZ 85257	Scottsdale, AZ 85257

Agent Jerry Lewkowitz appeared with Ms. Donna McDaniel, the property lessor.
Mr. Paul Norman appeared on behalf of the City of Scottsdale.

Motion to Approve Withdrawal of Application -	Valdez
Seconded -	DuPont
Yay -	Valdez, Everett, Carruthers, DuPont, Huellmantel
Nay -	None
Abstained -	None
Disposition -	Withdrawal of Application Granted

5. Restaurant Liquor License No. 12077420 - Original Application

Salvador Figueroa Gonzalez/Agent
CGM Restaurant, Inc.
Las Cazuelas Mexican & Seafood Restaurant #3
3515 W. Union Hills Drive
Glendale, AZ 85308

Agent Salvador Gonzalez appeared with translator Ms. Norma Cardeos.
Mr. Esteban Gomez and Det. Melissa Borquez appeared on behalf of the City of Phoenix.

Motion to Approve Application-	Valdez
Seconded -	DuPont
Yay -	Valdez, Everett, Carruthers, DuPont, Huellmantel
Nay -	None
Abstained -	None
Disposition -	Application Granted

Recess

The Board commenced a brief recess at 11:10 a.m.
The Board was reconvened at 11:20 a.m.

6. Restaurant Liquor License No. 12077501 - Original Application

Maria Pineda
Philippine Asian Seafood Market
2710 W. Bell Road, Suite 1150
Phoenix, AZ 85023

Agent Maria Pineda appeared and requested withdrawal of the application.

Mr. Bob Smith and Det. Karen Hughes appeared on behalf of the City of Phoenix.

Motion to Approve Withdrawal of Application -	DuPont
Seconded -	Huellmantel
Yay -	Valdez, Everett, Carruthers, DuPont, Huellmantel
Nay -	None
Abstained -	None
Disposition -	Withdrawal of Application Granted

7. Beer and Wine Store Liquor License No. 10093055 - Original Application

James Clayton, Agent
Taylor Country Corner
615 N. Main Street
Taylor, AZ 85939

Agent James Clayton appeared.

Motion to Approve Application-	DuPont
Seconded -	Carruthers
Yay -	Valdez, Everett, Carruthers, DuPont, Huellmantel
Nay -	None
Abstained -	None
Disposition -	Application Granted

8. Beer and Wine Store Liquor License No. 10075559 - Original Application

Dung Tran
NHA Trang Supermarket Inc.
Nah Trang Supermarket
10430 N. 19th Avenue #10-11
Phoenix, AZ 85021

The applicant did not make an appearance.
Mr. Bob Smith and Mr. Dave Berrier appeared on behalf of the City of Phoenix.

Motion to Grant a Continuance-	Valdez
Seconded -	Carruthers
Yay -	Valdez, Everett, Carruthers, DuPont, Huellmantel
Nay -	None
Abstained -	None
Disposition -	Continuance Granted to October 2, 2008 Board Hearing

9. Bar Liquor License No. 06070509 - Person Transfer

FROM:
Patricia Riggins, Agent
S.C.F.R. LLC
Emerald Lounge
1514 N. 7th Avenue
Phoenix, AZ 85007

TO:
H. J. Lewkowitz, Agent
Calizona Capital LLC
Sidebar
1514 N. 7th Avenue
Phoenix, AZ 85007

Agent Jerry Lewkowitz appeared with Mr. Joshua Parry, stockholder.
Mr. Esteban Gomez appeared on behalf of the City of Phoenix.

Motion to Approve Application - Everett

Seconded -	Valdez
Yay -	Valdez, Everett, Carruthers, DuPont, Huellmantel
Nay -	None
Abstained -	None
Disposition -	Application Granted

F. Election of Chairperson and, if necessary a Vice-Chairperson

This matter was tabled until the September 4, 2008 Board Hearing.

G. Executive Session

Board goes into Executive Session at 12:00 p.m. with A.A.G. Alarcon for update on the status of litigation regarding Delia Gabrielson, an individual resident of the State of Arizona, in the Matter of Gabrielson v. Arizona State Liquor Board, Court of Appeals, Division Two, Case No. 2-CA-CV 2007-0088. Board reconvenes from Executive Session at 12:07 p.m.

Recess

The Board recessed at 12:15 p.m. for lunch.
The Board was reconvened at 1:35 p.m.

H. Afternoon Agenda: review, consideration and action

1. Restaurant Liquor License No. 12074685 – Request for Rehearing of an Appeal of the Director's Decision & Order – Compliant No. 07A-0059-LIQ(PHX)

Albert R. Youtsey, Jr., Agent
Youtsey LLC
Dirty Drummer
3375 E. Shea Boulevard, #G
Phoenix, AZ 85028

Mr. Harvey Yee, Esq., appeared on behalf of the agent.
Ms. Camila Alarcon, Esq., appeared on behalf of the Department.

Motion to Deny Request for Rehearing -	Huellmantel
Seconded -	DuPont
Yay -	Valdez, Everett, Carruthers, DuPont, Huellmantel
Nay -	None
Abstained -	None
Disposition -	Rehearing Denied

2. Beer and Wine Store Liquor License No. 10075550 - Original Application

Thomas Yacoub
Grand Stop Market No 1
2035 E. Page Avenue
Gilbert, AZ 85234

Agent Thomas Yacoub appeared.
Mr. Fred Bibeau and Det. Karen Hughes appeared on behalf of the City of Phoenix.

Motion to Deny Application-	Huellmantel
Seconded -	Valdez
Yay -	Valdez, Everett, Carruthers, DuPont, Huellmantel
Nay -	None
Abstained -	None
Disposition -	Application Denied

3. Restaurant Liquor License No. 12077471 – Original Application

Bridget Williams
Bridgekey Catering LLC
Bridgekey Catering & Cafe
P.O. Box 8511
Phoenix, AZ 85066

The applicant did not make an appearance.
Mr. Bob Smith, Mr. Eric Miller, and Det. Karen Hughes appeared on behalf of the City of Phoenix.

Motion to Deny Application-	Valdez
Seconded -	Carruthers
Yay -	Valdez, Everett, Carruthers, DuPont, Huellmantel
Nay -	None
Abstained -	None
Disposition -	Application Denied

4. Beer and Wine Store Liquor License No. 10075563 – Original Application

Hwasook Kim
Hwasook LLC
New Star Market
2101 W. Adams Street
Phoenix, AZ 85009

Mr. Harvey Yee, Esq. appeared with the Agent, Ms. Hwasook Kim.

Motion to Grant Application-	Huellmantel
Seconded -	Valdez
Yay -	Valdez, Everett, Carruthers, DuPont, Huellmantel
Nay -	None
Abstained -	None
Disposition -	Application Granted

5. Beer and Wine Store Liquor License No. 10075584 – Original Application

Kelly Vaughan, Agent
QuikTrip Corporation
QuikTrip #493
3445 W. Baseline Road
Laveen, AZ 85339

Mr. Harvey Yee, Esq. appeared with the Agent, Mr. Kelly Vaughan.

Ms. Valdez and Mr. Huellmantel recused themselves due to a possible conflict of interest.

Motion to Approve Application -	DuPont
Seconded -	Carruthers
Yay -	Everett, Carruthers, DuPont
Nay -	None
Abstained -	Valdez, Huellmantel
Disposition -	Application Granted

Recess

The Board commenced a brief recess at 2:47 p.m.
The Board was reconvened at 2:56 p.m.

6. Beer & Wine Store Liquor License No. 10075551 - Original Application

Abdenassar Abadallah, Agent
Abadallah LLC
Mi Nuevo Mexico Market
602 W. Baseline Road #A-B
Phoenix, AZ 85042

Mr. Pete Schelstraete, Esq., appeared with the Agent, Mr. Abdenassar Abadallah.

Motion to Grant Application-	Valdez
Seconded -	DuPont
Yay -	Valdez, Everett, Carruthers, DuPont, Huellmantel
Nay -	None
Abstained -	None
Disposition -	Application Granted

7. Bar Liquor License No. 06070237 - Original Application

FROM:
Charles L. Helquist, Agent
Macarena, Inc.
Club Macarena
910 N. McClintock Drive
Tempe, AZ 85281

TO:
H. J. Lewkowitz, Agent
Idaho Business Holdings LLC
Elite
910 N. McClintock Drive
Tempe, AZ 85281

Mr. Jerry Lewkowitz appeared as the Agent.

Mr. Huellmantel recused himself due to a possible conflict of interest.

Motion to Grant Application-	Valdez
Seconded -	DuPont
Yay -	Valdez, Everett, Carruthers, DuPont
Nay -	None
Abstained -	Huellmantel
Disposition -	Application Granted

F. Call to the Public

None.

G. Future Board Date

The next meeting of the Arizona State Liquor Board is scheduled for September 4, 2008 at 9:00 a.m.

H. Adjournment

The Board adjourned at 3:07 p.m.

Kelly Stetson
Administrator of the
Arizona State Liquor Board

Date

DRAFT